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REMARKS

I. INTRODUCTION

In response to the Office Action dated November 17, 2006, which was made final, and in conjunction with the Request for Continued Examination (RCE) submitted herewith, claims 1, 2, 4, 15, 16, 18, 29, 30 and 32 have been amended. Claims 1-42 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. DOUBLE PATENTING REJECTIONS

In paragraphs (9)-(10) of the Office Action, claims 1-42 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-45 of U.S. Patent No. 6,954,758.

Applicant's attorney notes the provisional nature of these rejections, and will substantively address these rejections upon an indication of otherwise allowable claims.

III. NON-ART REJECTIONS

In paragraphs (3)-(4) of the Office Action, claims 2, 3, 16, 17, 30, and 31 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant's attorney has amended the claims to overcome these rejections.

III. PRIOR ART REJECTIONS

A. The Office Action Rejections

In paragraphs (5)-(6) of the Office Action, claims 1, 4-15, 18-29, and 32-42 were rejected under 35 U.S.C. 102(a, e) as being anticipated by Pham et al. (U.S. Patent No. 5,970,482). In paragraphs (5)-(6) of the Office Action, claims 2, 3, 16, 17, 30, and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pham et al. (U.S. Patent No. 5,970,482), as applied to claims 1, 15, and 29 above.

Applicant's attorney respectfully traverses these rejections.

B. Applicant's Independent Claims

Applicant's independent claims 1, 15 and 29 are directed to a method, apparatus and article of manufacture for using predictive models within a computer-implemented business analysis environment. Claim 1 is representative, and comprises the steps of:

- (a) applying a derived measure against a segment, wherein the derived measure comprises a predictive model previously-built by a model-building mechanism in a data mining system, wherein the derived measure is invoked within an application template that is a sequence of one or more icons representing segments, filters, measures and functions and the icons are linked together in a workflow, and wherein the application template is used to save the sequences of the workflow; and
- (b) generating output for the segment from the predictive model in the form of measure values.

C. The Pham Reference

Pham describes a neuroagent approach that is used in an automated and unified data mining system to provide an explicitly predictive knowledge model. The neuroagent is a neural multi-agent approach based on macro-connectionism and comprises a double integration at the association and symbolic level as well as the knowledge model level. This data mining system permits discovery, evaluation and prediction of the correlative factors of data, i.e., the conjunctions, as corresponding to neuroexpressions (a semantic connection of neuroagents) connected to an output neuroagent which corresponds to the data output, the connection weights yielding the relative significance of these factors to the given output. The system takes data sets called Domains, establishes candidate dimensions or Parameters, categorizes Parameters into discrete bins, and trains a neuroagent network composed of neuroagents allocated for each bin and each output based on a discovery data set, called a Discovery Domain, and by building up the various minimal and contextual neuroexpressions, and setting the appropriate connection weights, the results may therefore be compared with an optional evaluation data set, called an Evaluation Domain to establish the accuracy of the knowledge model, and thereafter applied with some degree of confidence to a prediction set or Prediction Domain. The ranking in importance of the composite Parameters may be calculated as well as the discrimination between the various outputs, which permits the relevant factors of interest to a decision maker to come into focus.

D. The Applicant's Independent Claims Are Patentable Over The Reference

Applicant's independent claims 1, 15 and 29 are patentable over the reference because they recite a novel and nonobvious combination of steps and elements. Specifically, Applicant's independent claims 1, 15 and 29 recite that "the derived measure is invoked within an application template that is a sequence of one or more icons representing segments, filters, measures and functions and the icons are linked together in a workflow, ... wherein the application template is used to save the sequences of icons linked together in the workflow."

Pham does not teach or suggest these limitations. Instead, Pham merely describes predictive modeling and data mining, but nothing in Pham describe "the derived measure" being "invoked within an application template that is a sequence of one or more icons representing segments, filters, measures and functions and the icons are linked together in a workflow, ... wherein the application template is used to save the sequences of icons linked together in the workflow."

Indeed, nothing in Pham discusses anything equivalent to these limitations. Instead, Pham merely describes knowledge models generally and neuroagents specifically, but neither concept reads on application templates that are used to save sequences of icons linked together in the workflow, wherein the icons represent segments, filters, measures and functions. Consequently, the Pham reference does not teach or suggest all the limitations of Applicant's independent claims.

Moreover, Applicant's attorney specifically traverses the assertion of Official Notice, wherein the Office Action admits that Pham does not teach or suggest such limitations, but asserts that the use of graphical user interfaces to drag and drop icons to allow a user to set up steps of a workflow is old and well known in the art.

Applicant's attorney submits that the Office Action errs when it asserts that the Official Notice must be considered common knowledge or well known in the art. As noted at M.P.E.P. §2144.03, there must be some form of evidence in the record to support an assertion of common knowledge, but no such evidence exists in this instance.

Applicant's attorney asserts that such limitations are novel and non-obvious in the context of using predictive models within a computer-implemented business analysis environment. Specifically, Applicant's attorney submits that Official Notice comprises mere conclusions by the Office Action, and cannot be supported by actual evidence.

Thus, per M.P.E.P. §2144.03, Applicant's attorney has adequately traversed the revised Official Notice by specifically pointing out the errors in the Office Action, and by stating why the noticed "fact" is not considered to be common knowledge or well-known in the art. Accordingly,

Applicant's attorney requests that the Examiner produce documentary evidence to support the conclusions in the revised Official Notice or withdraw the revised Official Notice.

Consequently, Applicant's attorney submits that independent claims 1, 15, and 29 are allowable over Pham. Applicant's attorney submits that dependent claims 2-14, 16-28, and 30-42 are allowable over Pham in the same manner as the independent claims, because they are dependent on independent claims 1, 15, and 29, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-14, 16-28, and 30-42 recite additional novel elements not shown by Pham.

IV. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited.

Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.


Respectfully submitted,

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